



**THE CITY OF NEW YORK
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February 28, 2017

VIA ECF

Honorable Vera M. Scanlon
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Alleyne, et al. v. City of New York, et al., 15-CV-01860 (WFK)(VMS)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney assigned to represent Defendants Rahman, McCullough, and Kanover in the above-referenced matter. In accordance with Your Honor's Order entered on February 27, 2017, Defendants respectfully submit this letter in response to Plaintiffs' Motion Letter to Extend Discovery filed on February 24, 2017. (Docket No. 68).

On December 23, 2016, the parties agreed upon the five non-parties to be deposed by or before February 28, 2017 and filed a Status Report informing Your Honor of such. (Docket No. 65). On January 4, 2017 and January 5, 2017, Ms. Munar contacted the undersigned regarding the scheduling of these depositions. On January 5, 2017, the undersigned advised Plaintiffs' counsel that she would check the availability of these five non-parties, one of whom, Detective Miller, was known to be retired to the parties as previously affirmed in his affidavit.

On January 17, 2017, the undersigned provided Plaintiffs' counsel with six prospective dates in January and February. The undersigned also advised Ms. Munar that she learned that a second non-party, Sergeant Martin, also retired. Because Miller lives out-of-state in Florida and the undersigned was informed that Martin also retired in Florida, the undersigned informed Ms. Munar that these two depositions would have to be held via video conference, and requested whether the other non-parties could be deposed on the same day.

Plaintiffs' counsel, however, demanded that these two non-parties appear in-person, and did not confirm depositions for the other non-parties who were available to be deposed. The undersigned advised Ms. Munar that because Mr. Marinelli informed the Court at the last court appearance that these non-party depositions would be very short, a deposition by video would accomplish the purpose without the inconvenience and expense of hailing these non-parties from Florida to New York. The undersigned advised that if Plaintiffs' counsel nonetheless insisted on these non-parties appearing in-person, it would have to be at Plaintiffs' cost.

On February 16, 2017, upon providing additional deposition dates, Plaintiffs' counsel informed the undersigned that that their office had no availability to hold these depositions within the agreed upon deadline and would need an extension until April 15, 2017. Defendants do not oppose Plaintiff's request for an extension of time to April 1, 2017, and respectfully request that the non-party depositions for Miller and Martin be held by video deposition.

Thank you for your time and consideration.

Respectfully submitted,

/s/

WILDA J. RODRIGUEZ
Assistant Corporation Counsel
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cc: Robert Marinelli, Esq. (*By ECF*)
Drei Munar, Esq. (*By ECF*)